

Help to Rent Edinburgh *for* landlords

You're ending homelessness

- ✓ the Help to Rent Edinburgh service
 - ✓ what you can expect from us
 - ✓ what we expect from you

In this booklet:

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- ✓ some facts about homelessness in Edinburgh
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Thank you for working with us

So many of society's doors are closed to people who are homeless. Services can improve their experiences of homelessness. But only landlords can end it.

As a landlord willing to offer a secure, affordable property to someone who's homeless in Edinburgh, you'll end their homelessness and change their life.

You'll give someone an opportunity to settle down, find or keep a job and leave what's often a negative and damaging experience behind.

At Crisis, we really appreciate the difference you're making to the people we support.

We'll do everything we can to provide you with good tenants, and to support both you and them to have good, hassle-free tenancies.

This booklet explains more about how we'll do that.

Help to Rent Edinburgh team

We are a new service commissioned by City of Edinburgh Council (CEC) to help people who are homeless or threatened with homelessness find, access and sustain properties in the Private Rented Sector (PRS).

The new team is composed of

Mike Tyson

Progression Manager

James Mullaney

PRS Tenant Support Officer

Eluned McHardy

PRS Landlord Liaison Officer

How to get in touch

We are based at Crisis Skylight Edinburgh, which is open from 9am-5pm, Monday to Friday.

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www.crisis.org.uk/scotland/landlords



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Who are you helping?

3,100 households presented as homeless in Edinburgh last year

Some facts about homelessness in Edinburgh

Last year, more than **3,100** households presented as homeless to City of Edinburgh Council.

**Almost half
are in work or
seeking work**

An audit completed by the Council in 2016 showed that **just under a third** of households assessed as homeless were in work, and **14%** were seeking work. **Less than 25%** were claiming sickness benefits.

By law, the Council must assess not only the housing duties it has towards households, but also whether they have support needs in relation to mental health, physical disability, addiction, learning disability or independent living skills.

Last year, only **35%** of all households were assessed as having one or more support needs. This means **two thirds** are simply seeking a home.

**Two thirds
don't need
support, just
a home**

The most common reason for people becoming homeless in Scotland is **relationship breakdown** – with partners, parents, family and friends. And that's no different in Edinburgh.

What is different in Edinburgh, compared to the majority of areas of Scotland, is the time it takes for people to get out of their situation, and the type of temporary accommodation many of them have to use while they are homeless.

Edinburgh's
rented stock:
15% social
26% private

Edinburgh has the largest private rented sector in Scotland (26% of the city's housing stock), but one of the smallest social rented sectors (15% of its stock).

In 1980, there were nearly 60,000 Council homes in the city. There are under 20,000 today. People waiting for social housing are, therefore, stuck in a very long queue.

This means that, at any one time, almost 1,400 households are in temporary accommodation, including more than 1,000 children.

Over 1000
children in
temporary
accommodation

Every night, over 500 households in Edinburgh live in Bed and Breakfast style accommodation (B&B).

Over 500
people
in B&B
each
night

While conditions have been improved in these properties, B&B isn't intended for long-term stays. Living long-term in accommodation intended for emergency use seriously affects people's health, well-being, networks and their ability to find or hold down work.

Single people usually wait well over a year for affordable housing in accommodation like this. Some stay instead on friends' sofas or floors, use night shelters or even sleep rough.

Well over a
year waiting
for social
housing

Who are you housing?

City of Edinburgh Council (CEC) has commissioned Crisis' Help to Rent service to give some of the people in the statistics above, who are ready to move and can manage a tenancy now, a chance to get out of the homelessness system quicker.

- **All referrals to our service will therefore come from the Council**

Prospective tenants referred by the Council must meet certain criteria before our service agrees to support them. The people we refer to you, or offer help to secure a property they have found for themselves, must all:

- ✓ have been assessed as legally homeless, or at risk of homelessness, by the Council
- ✓ want to live in a privately rented property
- ✓ have committed to saving up their own deposit, once housed, with our assistance
- ✓ have a local connection to Edinburgh: they have lived here for an established period of time before becoming homeless, have close family here, or work in the city
- ✓ not be excluded from Housing Benefits due to immigration reasons
- ✓ have been assessed as able to manage a private tenancy, by the Council and by Crisis
- ✓ have had any support needs assessed by the Council and by Crisis, and support put in place if it is needed
- ✓ have been assessed as being able to afford a private tenancy, and given help to maximise their income and budget for a home, where needed
- ✓ have been given advice and training, where needed, on the responsibilities and rights that come with having a tenancy in the private rented sector

What we can offer you

We can offer you help before, during and at the end of a tenancy. We can even help you if you have never been a landlord before and have no idea where to start.

Our service is not time-limited. We can advise and support you and your tenant(s) at any point you or they need our help. We won't turn you or your tenant(s) away.

Some of the specific help we offer you is outlined below.

Getting ready to rent a property

- ✓ providing advice on what you need to do to ensure:
 - you, as a person operating as a landlord, comply with the law in Scotland
 - any property you rent out complies with legal property standards in Scotland
 - the tenancy agreement you provide complies with the law in Scotland
- ✓ helping you to understand, obtain and prepare the necessary documentation and certificates to start operating as a landlord – for example, safety and energy documents
- ✓ drawing up or checking leases, notices and other documents
- ✓ making you aware of, and helping you to access loans, grants, financial assistance or training that may be available to you

Finding tenants

- ✓ providing a source of tenants assessed by the Council and by us as able to manage a tenancy, who have had training on their responsibilities and have support in place where they need this
- ✓ preparing an inventory, with photos, on your behalf, if you need this, or providing a template document for you to use

- ✓ ensuring that rent in advance is paid quickly
- ✓ providing a legal deposit guarantee (to the value of a cash deposit), covering damage, loss and arrears. This offers exactly the same protection as a deposit, without the need to use a Tenancy Deposit Scheme, and is underwritten by the Council

Helping tenants move in

- ✓ help to ensure correct documentation is provided by the tenant(s) to sign up to a tenancy agreement, and that you give them any legally required documentation
- ✓ assisting tenants with any benefit claims required. This includes completing eligibility checks, assisting with claim forms and liaising with the DWP on Universal Credit
- ✓ assessing furniture and items tenants may need to move into a property in the most sustainable way, including helping them access funds, grants and recycled items
- ✓ helping tenants, where needed, to set up Council Tax, utility bills, contents insurance – easing any difficulties which you may otherwise have encountered if this was not done
- ✓ showing tenants, where required, how to use and understand utility meters, white goods and appliances at the property

Managing a tenancy

- ✓ providing a named contact for you throughout the tenancy, who will keep in touch and work with you to address any problems which arise
- ✓ providing a separate support officer for your tenant(s), to help them with changes of circumstances, budgeting and any other tenancy difficulties which may arise
- ✓ offering a “settling in” visit at an early point to quickly identify and resolve any issues

- ✓ assisting tenants to get to know and feel settled in the tenancy and local area
- ✓ keeping in touch with you and the tenant(s), creating a culture of open communication
- ✓ mediating between you and the tenant(s) should there be tenancy difficulties
- ✓ helping tenants address arrears – by sorting out benefit problems, agreeing repayment plans and providing short-term financial assistance
- ✓ helping tenants get other support they may need, such as help to find or re-enter work

Dealing with the end of a tenancy

- ✓ providing advice and support on the legal ways in which a Private Residential Tenancy can be brought to an end
- ✓ ensuring tenants understand their obligations in respect of giving notice, and how to end a move on in a planned manner
- ✓ inspecting all tenancies which are ending, within their notice period, to identify any damage or issues and work with the tenant(s) to put this right
- ✓ ensuring a quick, fair claims process should a tenancy end with damages, loss or arrears

Hearing your views

- ✓ being open to and genuinely interested in hearing and acting on landlord feedback
- ✓ offering you opportunities to become more involved in service design and delivery

Understanding the deposit guarantee (“bond”)

Many people who are good tenants struggle to find the upfront costs of rent in advance and a cash deposit, especially in an area as expensive as Edinburgh. Having difficulty finding these funds does not mean someone is unable to manage rent and normal monthly living costs – many people would have difficulty finding well over £1,000 in one go.

The deposit guarantee (“bond”) aims to ease this difficulty for tenants, while providing landlords with exactly the same protection as a cash deposit.

What’s the difference?

From a landlord perspective, accepting a Crisis bond is similar to taking a deposit:

- ✓ the bond covers damage, loss and arrears, and offers the same protection as a deposit
- ✓ we ask for evidence to back up claims, much as Tenancy Deposit Schemes (TDS) do

What is different is that:

- ✓ as a landlord accepting a bond, you are not legally required to use a TDS within 30 days of a tenancy starting, or to give tenant(s) the legally prescribed written information
- ✓ no money is changing hands
- ✓ bonds are underwritten by City of Edinburgh Council
- ✓ if a tenancy ends with damage, loss or arrears, you make a claim to Crisis, not to a TDS
- ✓ we process claims within 14 days (we do not require a 30-day period in which to contact the tenant, as with a TDS)

- ✓ we have a review process, if you are not happy with our decision on a claim
- ✓ the tenant(s) will gradually save the monies required for a deposit, over a maximum of two years, after which you will receive the full amount, and the bond will terminate

Bond agreement - what we ask of you and your tenant(s)

We ask that you sign a Crisis bond agreement prior to the start of the tenancy. In order to set up the bond agreement, we need to see your proposed tenancy agreement before the tenancy starts. Your tenant(s) will also sign an agreement with us. Please note Crisis will only support those individual(s) who have been referred through our service, and who have signed a bond agreement.

The bond agreement asks you to:

- ✓ make reasonable attempts to mitigate your losses
- ✓ ensure any items claimed for are listed on the inventory
- ✓ give particulars in your claims
- ✓ provide proof of any arrears (through a rent statement), damages or losses (for example, photos and invoices for repairs/cleaning)
- ✓ make any claim in writing within 14 days of the tenancy ending
- ✓ use rent if the account is in credit, and monies already in a TDS, before making a claim
- ✓ adhere to the terms of the Private Residential Tenancy agreement which you have with your tenant(s), as a breach could negate the bond agreement

We will let you and your tenant(s) know, in writing, when a bond is terminated.

Our service standards: what you can expect

Crisis Help to Rent Edinburgh commits to:

- ✓ responding to email, telephone or text contact from landlords as quickly as possible, with a maximum of **five** days
- ✓ responding to letter enquiries within a maximum of **ten** days
- ✓ responding to complaints within **three** days
- ✓ actively seeking your feedback on our service and meaningfully engaging with your ideas and suggestions for improvement
- ✓ providing advice and information in different formats to meet any particular communication needs
- ✓ issuing a deposit guarantee ("bond") the day the lease is signed
- ✓ drawing up an inventory within **five** days of tenancy start, if you don't have one
- ✓ making a settling-in visit within **eight** weeks of tenancy start
- ✓ providing a dedicated point of contact for you and your tenant(s) throughout the tenancy in the event of tenancy problems, including mediation, where desired
- ✓ offering every assistance to you and your tenant(s) to prevent tenancy breakdown, and repeat homelessness; where this is not possible, assisting you both to end the tenancy correctly, with minimal arrears or damage
- ✓ where possible, carrying out an inspection a week before a tenancy ends
- ✓ paying out any claim you make for eligible losses against a live bond at the end of a tenancy within **14** days
- ✓ ensuring that our staff keep up to date with legal requirements and best practice for private landlords and tenancies in Scotland

What we expect from you

We ask that:

- ✓ the tenancy agreement you offer, the property itself and you, as a landlord, comply with legal requirements in Scotland, prior to and during a tenancy

We are unable to provide a deposit guarantee ("bond") where these minimum legal standards are not met, though we can work with you to help you and your property achieve these standards.

- ✓ you communicate openly, honestly and quickly with us about any changes in circumstances which would affect the deposit guarantee, or your tenant(s) situation
- ✓ you communicate openly, honestly and quickly with us about any problems, especially if you're considering bringing a tenancy to an end
- ✓ you make any claims against the bond in writing, within 14 days of the end of a tenancy
- ✓ any claims you make adhere to the terms and conditions stated in the bond agreement



We have listed the main things you must know, do, check and consider before and when renting out property in Scotland, in bullet points below.



For more information on any of the matters listed in the bullet points with an ⓘ, see our handy Landlord Obligations booklet.



A useful checklist to assist you before and during renting out a property is also provided in the Landlord Obligations booklet.

What you need to do before operating as a landlord

- ✓ unless you're a resident landlord (meaning you live in the property along with your tenant(s)), you must **register with the local authority**^① for the area where your property is rented out and display your registration number when advertising your property
- ✓ if you are using a letting agent, ensure that the agent is **registered**^① with the Scottish Government's Scottish Letting Agent Register
- ✓ if the property is rented to three or more unrelated people who share a bathroom and kitchen (i.e. flat-sharers, rather than a family), you need to apply for a **House in Multiple Occupation (HMO) licence**^① from the local authority of the area where your property is rented out
- ✓ if the property you're renting is subject to a **mortgage**, check your terms and conditions, as well as your insurance cover. You'll probably need to apply for consent to let from your lender, or alter your mortgage agreement

What you need to do to get a property ready to rent

You must ensure your property meets the "Repairing Standard". This has various parts which, together, describe the minimum standard in law that any private let in Scotland must attain.

To meet the Repairing Standard^①, a property you rent out must:

- ✓ meet the "Tolerable Standard"^①. This is a basic standard of housing quality, below which any property would be classed as unfit for human habitation
- ✓ have an electrical safety inspection^① carried out before any tenancy starts, then every five years. You must provide a copy of the electrical inspection reports to your tenant(s)

- ✓ have an annual **inspection of any gas installations**^① by a Gas Safe Registered Engineer. You must provide your tenant(s) with the most recent report
- ✓ have **carbon monoxide detectors**^① installed in the locations and to specification conforming to statutory guidance
- ✓ have **smoke and heat alarms**^① installed in the locations and to specification conforming to fire safety regulations
- ✓ have **furniture** which meets **safety regulations**^① if it is provided as part of the tenancy

Aside from the Repairing Standard, you must:

- ✓ have an Energy Performance Certificate (EPC) ① for the property, note the EPC rating in any advert, and provide the certificate to the tenant free of charge
- ✓ complete a legionella risk assessment① on your rented property

What you need to do to set up a tenancy correctly

Unless you're a resident landlord, any tenancy offered as a person's main home in Scotland, from 1 December 2017, is a **Private Residential Tenancy (PRT)**^①. This also applies to tenants in shared housing, including HMOs.

As a landlord of a Private Residential Tenancy, you must:

- ✓ by law¹, give your tenant(s) **written tenancy terms and accompanying notes**, before the tenancy starts, without charging for this. You can download a model tenancy agreement and easy read notes from the [Scottish Government website](https://www.scottishgovernment.gov.uk/tenancy-agreement-scotland/)²

¹ Private Housing (Tenancies) (Scotland) Act 2016 Part 3, S.10 (1) and (2).
<http://www.legislation.gov.uk/asp/2016/19/contents/enacted>

² <https://www.mygov.scot/tenancy-agreement-scotland/>

- ✓ use Scottish Government [prescribed forms and notices](#) during the tenancy, for example if you wish to increase rent or ask a tenant or sub-tenant to leave
- ✓ issue your tenant(s) with a [privacy notice](#) in order to be compliant with your obligations, and let tenant(s) know their rights, under the General Data Protection Regulation (GDPR)
- ✓ agree with your tenant(s) the **form of communication** you want to use, both for signing the agreement and during the tenancy. This may be by letter or electronically. You can't *require* your tenant(s) to communicate by email
- ✓ limit any **refundable deposit** requested of tenant(s) to not more than two months' rent
- ✓ not ask tenant(s) to pay **administration fees** (for example, for credit checks or references), premiums or other charges – these are illegal

What to do if things go wrong

Regardless of how well a tenancy is set up at the start, things will still sometimes go wrong for tenants and/or for landlords.

As a landlord, late rent payments, arrears, slow or non-reporting of repairs, lack of access to the rented property, neighbour complaints and abandonment are likely to be some of your main concerns. Tenants may have concerns about keeping up with the rent, rent rises, being able to get repairs completed and being evicted – especially if the correct procedure isn't followed.

Crisis can offer support to you and your tenant(s) if things go wrong. The following steps could also help you to minimise the likelihood of problems:

- ✓ start off the relationship with your tenant(s) in an open, honest and friendly manner. Make it easy for them to get in touch with you. Create an atmosphere where they feel at

ease reporting issues and being frank with you about any problems

- ✓ use the Private Residential Tenancy agreement (PRT) as a key source of guidance on mutual rights and responsibilities. Our Landlord Liaison Officer can help you interpret or put the agreement into practice
- ✓ keep lines of communication open during the tenancy, let your tenant(s) know what you are doing about any reported issues, and keep a record of discussions
- ✓ remind your tenant(s) that support is there for them, even if you can't provide this. Our Tenant Support Officer will be proactive in keeping in touch and we can source additional support if a tenant needs it, e.g. if the tenant loses a job and needs help with a benefit claim, or finding new employment
- ✓ remember support is also available for you - it's better to seek advice than let problems build up into bigger and often more expensive problems. Our Landlord Liaison Officer is always at hand, but will also have ideas for other sources of help and advice available for landlords
- ✓ consider mediation. This is a proven method for overcoming conflictual relationships and Crisis can offer you and your tenant(s) this assistance
- ✓ contact us as soon as possible if you or your tenant(s) are seeking to end the tenancy. We may be able to explore other options to avoid this outcome or, at the very least, check the correct legal process has been used, inspect the property to identify and work with tenant(s) to put right any issues before leaving, and make it more likely that the tenancy ends as well as possible for both parties

Making a claim against the bond

Where a tenancy comes to an end through your action or those of your tenant(s), at a point when Crisis is still providing a deposit guarantee for that tenancy, you may need to make a claim against the bond. **It's your responsibility to establish a valid claim.** Here, we explain the process for doing so.

Before the tenancy ends

In order to ensure your claim will be valid, should you need to make one, before a tenancy ends:

- ✓ let Crisis know if you are serving a Notice to Leave, or if you have received notice from your tenant(s). We can only pay out against a claim if you have carried out the end of tenancy process in adherence with the law and informed us of your intention to end it
- ✓ where there is no way of salvaging the tenancy, or where this is simply not a suitable outcome for one or both parties, our Tenancy Support Officer will visit the tenant(s) at home to complete an inspection. We will refer to the inventory, and work with the tenant(s) to identify issues and put these right, so the property is left in the best possible state and the tenancy ended in the best possible manner. We will take photos for our records

After the tenancy ends

When a tenancy comes to an end and you wish to make a claim due to arrears, damage or loss:

- ✓ complete a **claim form** (a copy is available on our website or by emailing us) within 14 days of tenancy end and email/post to us
- ✓ ensure that your claim **gives particulars**. A cost breakdown is required if you are claiming for different items

- ✓ if your claim relates to damages or loss, make sure that all items are included on the inventory
- ✓ provide proof, in the form of an up to date rent statement if for arrears, and photos and quotes or invoices for work if for damages/loss

We cannot accept claims made more than 14 days' after the tenancy ends.

We cannot process claims which do not provide particulars, which do not provide evidence, and where damage/loss refers to items not listed on the inventory.

What we will do when a claim comes in

When we receive a claim, we will check:

- ✓ that a live bond still exists for the tenancy (we will have always advised you in writing if a bond has been terminated)
- ✓ that the tenancy has been ended legally
- ✓ that, where you brought the tenancy to an end, you informed us in advance
- ✓ that, where the tenant has made part payment of the deposit to a Tenancy Deposit Scheme (TDS), you have sought to recover this using the TDS own procedures before claiming against the bond
- ✓ the tenancy end date, to ensure the claim is made within the 14-day timescale
- ✓ the original inventory, to ensure any damaged/missing items are listed
- ✓ our own inspection records and photos, if we completed one
- ✓ whether any outstanding benefit payments are due to you, where the claim results from arrears. Where you are confirmed a payment of benefit from the local authority or Department of Work and Pensions (DWP), we will deduct this amount

Where these conditions are met and there is no dispute over any of the points above, Crisis will settle claims within 14 days.

What happens if there is a dispute about the claim

Most of our tenancies end without claims. Where claims are made, most are processed without dispute. In the small proportion of cases where disputes do arise, lack of evidence to support the claim is often a factor - this is why we insist on an inventory, and why we aim to inspect all tenancies before the tenant moves out.

A dispute may arise due to you not meeting the claim conditions set out above, not providing evidence to back up your claim, or a disagreement about costs.

If your claim doesn't meet the conditions set out or we don't agree on the amount, we will contact you to tell you we cannot make (full or part) payment, and explain our reasons.

If you're unhappy with this decision, you can request a review of the decision within **seven** days. When requesting a review, use the Request for Claim Review form, which will be provided within our response to you. This asks you to supply additional evidence to back up the claim. Our Landlord Liaison Officer will then contact you to discuss your side of the case.

Your request and any additional evidence provided will be reviewed by a more senior member of staff who was not involved in the original claim process, and a decision made within **seven** days.

This decision is final.

Any payment due to you following this process will be made as quickly as possible.

What to do if you are unhappy with our service

We value the landlords and agents who work with us and are very keen to hear your views, suggestions and feedback on how we can improve or modify our service. Our Landlord Liaison Officer will actively seek to gather, listen to and act on your feedback.

But we don't always get things right. We view all complaints positively, as they provide feedback which helps us to improve.

To make a complaint to Crisis:

You can complain about our service by 'phoning, emailing, texting or writing to Help to Rent Edinburgh (service contact details are at the start of this booklet). Or you can use our Complaints Form, available on our website.

There are three stages to the process, which is designed to ensure your concerns are dealt with as quickly as possible. Complaints are recorded and monitored regardless of the stage of the process they are addressed at.

Stage One – informal resolution

Wherever possible, we aim to resolve complaints informally and within **three** working days. Where we need to investigate further, this may take longer, but we will keep you informed of this.

If we are unable to resolve things to your satisfaction, you can proceed to a formal complaint.

Stage Two – formal resolution

Make a formal complaint, in writing, addressing it to the Progression Manager.

We will acknowledge your complaint within three working days and the Manager will undertake the investigations within five working days, reporting back to you within two weeks of your complaint being received.

If there is any unavoidable delay to this timescale we will let you know, and tell you when we will be able to complete investigations and let you have our decision. The Progression Manager will advise you whether your complaint has been upheld in full or in part, give reasons and explain actions we will take to resolve or learn from this.

Stage Three – appeal

If you disagree with our decision, you can appeal by writing to our Director, or emailing edinburgh@crisis.org.uk with "Complaint – CSE Director" in the subject line.

The Director will review your complaint, our internal investigation and all paperwork. In some circumstances, they may speak or meet with you. The Director will make a decision and communicate this to you within **two weeks** of receipt of the appeal.

To make a complaint about Crisis externally:

The process above sets out the extent to which Crisis will investigate complaints internally. As Help to Rent Edinburgh is a service commissioned by City of Edinburgh Council, you also have a statutory right of complaint to the Council, by virtue of Section 5B of the Social Work (Scotland) Act 1968.

- ✓ contact the Council's complaints service by call, letter or email: 0131 553 8395; Waverley Court, Level 1.7, 4 East Market Street, Edinburgh, EH8 8BG; socialwork.complaints@edinburgh.gov.uk
- ✓ ask the Scottish Public Services Ombudsman³ to look into your complaint, if the Council cannot resolve your complaint, and you have completed all stages of the Social Work complaints process

³ <https://www.spsso.org.uk/making-a-complaint>

NOTES